

REMARKS

Applicants respectfully request reconsideration and re-examination of the present application.

In the outstanding Official Action, claims 1-4 were rejected under 35 USC 103(a) as allegedly being unpatentable over BIESIADA in view of HAYASHI.

BIESIADA discloses polyester plasticizers which comprise a diol component comprising 2-methyl-1,3-propanediol and 1,2-propanediol, an acid component of adipic acid, and a chain terminator.

However, as acknowledged by the Official Action, BIESIADA fails to disclose the use of 2-methyl-1,3-pentanediol with 3-methyl-1,5-pentanediol. In an effort to remedy the deficiencies of BEISIADA for reference purposes, the Official Action cites to HAYASHI.

HAYASHI discloses a plastisol composition containing a polyester plasticizer obtained by a reaction using 3-methyl-1,5-pentanediol. When a middle coat and a top coat are coated on a coating film around the plastisol composition of HAYASHI, a good coating appearance can be achieved.

However, HAYASHI fails to disclose or suggest using 2-methyl-1,3-propanediol with 3-methyl-1, 5-pentanediol. Rather, HAYASHI describes the use of diol compounds other than 2-methyl-1, 3-propanediol with 3-methyl-1, 5-pentanediol.

In view of the above, applicants submit that the combination of BIESIADA and HAYASHI fails to teach the claimed invention. Indeed, polyester plasticizers of the claimed invention exhibit an efficient and high level of plasticization. Moreover, it is clear from the comparison of Comparative Examples as outlined in the amendment of June 21, 2007 that the polyester plasticizer of the claimed invention unexpectedly exhibits an excellent oil resistance to synthetic resins (see arguments of June 21, 2007).

Thus, it is believed to be apparent that a polyester plasticizer imparts superior oil resistance and excellent plasticization with 2-methyl-1,3-propanediol and 3-methyl-1,5-pentanediol as the diol component.

Nevertheless, in the interest of advancing prosecution, applicants submit another Declaration under Rule 132 by the inventor of the present application in response to the Examiner's arguments set forth in the Official Action of July 17, 2007. In that the Declaration responds to the Examiner's comments, applicants believe that no new issues have been raised and respectfully request that the Declaration and present amendment be entered at this time.

The Declaration shows that when using only 3-methyl-1,5-pentanediol as the diol component, the polyester plasticizer imparts to the polyvinyl chloride resin poor oil resistance (see Comparative Example 4 set forth in the Declaration).

Thus, as HAYASHI fails to even discuss 2-methyl-1, 3-propanediol and neither publication teaches the unexpected results obtained by the claimed combination, applicants believe that the proposed combination of publications fails to render obvious the claimed invention.

In view of the present amendment and the foregoing Remarks, therefore, applicants believe that the present application is in condition for allowance at the time of the next Official Action. At the very least, applicants respectfully request entry of the amendment and Declaration. Indeed, the Declaration addresses the arguments set forth in the Official Action of July 17, 2007. Thus, the Declaration could not have been submitted earlier.

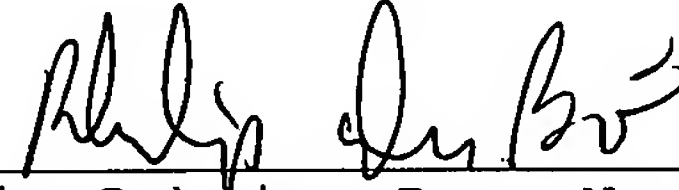
Indeed, at the very least, applicants believe that the Declaration and amendment place the application in better condition for appeal. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional  
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

- Declaration Under Rule 132